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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1226 OF 2007
IN
CRIMINAL APPEAL NO..... OF 2007

Balu Bhiku Abnave ...Applicant
V/s.
Akbar Abdul Khatib & Anr. ...Respondents

Mr.R.K. Sinha, Advocate, for the Applicant.

Mr.S.R. Shinde, APP, for the Respondent-State.

CORAM : A.P. DESHPANDE, J.

DATED : 10TH DECEMBER, 2007.

P.C.:

1. By the present application, special leave is sought to file an Appeal against the order of acquittal. Perusal of the judgment and order passed by the Trial Court reveals that the applicant has failed to establish that the cheque isued by the accused was for legally enforceable debt or liability. The entire evidence of the applicant which is full of contradictions has been totally disbelieved by the Court below.

2. The complainant who claims to have executed four agreements with the accused did not file the said agreements on record and hence the Court below has drawn the presumption that, had the complainant filed

the agreements on record, the same would have gone against him. The Trial Court has held that the complainant has failed to establish that an amount of Rs.7,50,000/- was paid by the complainant to the accused, in consideration of which the cheque is purportedly issued by the accused.

3. Perused the judgment and order. The same does not call for any interference. Hence leave prayed for is rejected.

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